

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION**

Civil Action No. 4:11-CV-00094-BO

BRUCE BANNISTER; MAX DUTTON;  
and MARION TOWLES;

Towles,

vs.

WAL-MART STORES EAST, L.P.,

Defendant.

**APPENDIX TO DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT REGARDING MAX  
DUTTON'S CLAIMS**

**E-2**

**Declaration of Jeffrey McIver Exhibit 2**  
J. McIver's Field Investigation Summary (10/14/2009)

Witnessing Manager Notes

Reporting  
Associate's  
Last Name:

Interview

☒

Follow-Up Interview

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PART 1. BACKGROUND INFORMATION

Witnessing Manager Name <i>Teresa Tingle</i>	Position <i>MHRM</i>	Facility/Department Number <i>Market 210</i>
Name of Associate Being Interviewed <i>Max Dutton</i>	Position <i>SM</i>	Facility/Department Number <i>2000</i>
Investigating Manager Name <i>Jeffrey McTuen</i>	Position <i>KHRD</i>	Facility/Department Number <i>Home Office</i>
Names of Other Persons Present (Write "None," if applicable) <i>None</i>		
Location of Interview <i>Caly Bista Hotel</i>	Date of Interview <i>10/14/09</i>	Start Time of Interview <i>10:12 AM</i>

PART 2. INTERVIEW NOTES

**Instructions:** Document the discussion. Record your notes in a form convenient for you, but you should try to capture both the questions asked and the responses given. One way is to write the initials of the person who is speaking, followed by a colon, and then to record that person's words, in first person, exactly as said. Example: "JT: Where did that happen? CS: I was in the break room." Do not scribble on this form or write anything down other than information representing the words of the speakers. If the witness leaves suddenly or engages in any type of unexpected physical conduct, such as kicking a table, make note of that as well. If you are unable to write fast enough, ask the witness to repeat any statement you may have missed or slow down so that you can catch up.

*Begin notes on next page* (1)

Witnessing Manager's Notes  
Workplace Incident Interview

Investigation - If you do anything to ~~harper~~ ~~or interfere~~ with the process it would be  
accountability up to & including termination

10:12 AM - If you have concerns - read up not down line  
be comfortable with us asking questions.

J You have confused Teresa had your password

M Yes - I was at ~~rehearsal~~ ~~rehearsal~~ in the store

J Did Teresa send emails from your email acct  
as if she was you - Yes if it was a single  
yes - M to answer something yes or no. Anything else  
I handled.

J Did Teresa ever use your email acct. when  
you were not in the store M = No

J Did Teresa have keys to the store

M He did till June 12<sup>th</sup> - Yes

J Did she have full night key - M No

J What keys did she have

M fixture room to back door she was over  
directs people - I would have to visit  
keys - Cynthia had would help fixture room  
a back door

J You said she was over directs - M Yes

J Do they report to her - M Yes -

J Do they think she is their supervisor - No  
they work closely together she has helped  
HAR directs associates.

J Is it true Teresa has keyed ASM evaluations

M I had to do 3 times this year + I want to say  
she typed them the 3rd time. Adjustments had

Witnessing Manager's Notes  
Workplace Incident Interview

do be made. Had to get back in

J Is it true you often go to lunch with Teresa

M No - She went there a bad time - Sammie & myself went to Subway & we talked with her only at someone that needed to be talked to.

J Does your store follow key controls - M Yes

J So they have you return the before they go home

M Yes they have to sign in & out - lock box only and that doesn't have to turn in is ASM's.

J So did Teresa sign out keys everyday -

M Prior to the 12th - No she did not turn in she does not have keys.

J You stated all keys signed out + # why was Teresa exception. M I think with prior 2 mgs she had keys so I did not break that. John Birch & Ann Coleman. I think in need she assisted them as she assisted me very knowledgeable my good Walmart Assoc.

Is it a true statement that Teresa was used as an asst mgr in your store?

Her primary job is stocking - she never did anything in the floor.

So this is not a true statement - No I know she had taken a night call.

So is it a fair statement to say she was used as an asst mgr - I don't look at it that way - My other managers will take a night call if I or by myself.



Witnessing Manager's Notes  
Workplace Incident Interview

J Does your store have any support mgrs -  
m No

J Who participates on Market Calls (before)  
m my mentees who wanted to go into the  
Mgt Training program. m Yes Jeness has been  
on the call - I was asked how I was  
mentoring my mentees at the Home Office  
when interviewed for MM position. I didn't  
know if that is where I got that idea.

J Is it true when Eric would ask for  
everyone to leave the room - on conference  
call - m No not true if he asked for  
everyone to leave the room there would be  
no one left in the room -

He just the I had an ASM on call - he asked  
as I allowed to do this + I told the you  
you are going to have to do this soon.  
I don't break rules if no one was supposed to  
be in there no one there.

J Is it true that Jeness signs your name  
on evaluations + other work documents?

m No - I hope no one signs my name.

J Am I correct to say you are a County  
Commissioner m Yes - sit on the Board  
of County Commissioners.

J Have you ever asked any assoc to do  
county work while at work (WMT.net)

m No

Witnessing Manager's Notes  
Workplace Incident Interview

Q Have you ever asked Teresa to do work for your County Commission work while at work (volunteer)?  
A No -

Q Did you ever give any member of your night team <sup>c</sup> <sup>d</sup> <sup>pla</sup> Tanya Moore worked with her mother - we were concerned with her health. She must eat healthy.

Q Did you give Tanya a diet plan?

A If I had a health book I may have. I did not tell her to be on a diet. I talked about healthy eating. If I was a healthy diet plan I may have.

Q Asked question again - did you ever give her Outfit Banks Weight Loss Doctor's Weight Loss Diet plan?  
A Yes. If I may say it was originated by another associate.

Q Is this your handwriting (on the diet plan)?  
A Yes it is.

Q Do you recall ever giving Tanya a picture with writing on it?  
A Yes.

A Her whole picture - we were trying to shock her into eating <sup>right</sup> ~~that~~ - You need to eat healthy. The reason some of these things happened she admitted she wasn't eating properly.

Q Are you a dietitian?  
A No.

Q Is it true that ~~Tanya~~ <sup>Teresa</sup> received a lot of questions?  
A Yes. There were several that did. we had a volunteer list on a volunteer basis.

Witnessing Manager's Notes  
Workplace Incident Interview

<sup>m</sup> shifts that were unfilled - Our lack of staffing  
been like that for 1 1/2 yrs.

J Where did her OT come from -

<sup>m</sup> If there were cashiers shifts she would  
fill in - she never filled in as ASM  
mostly as cashier

J What would you say number of OT hrs  
you received in your stores

<sup>m</sup> Not sure Jesse Chappell in garden he  
would ~~help~~ help on weekends. It wasn't  
just here - anyone could sign up for those  
hours.

J Art Colider - why did he have a Wal-Mart  
name badge <sup>m</sup> He two mgs before he  
gave him one - He always loved the  
guy so much I did not break that  
maybe I should have

So you never asked him for the badge back  
No it was already in place - no one  
had a problem with it. He was a great  
volunteer for Children's Hosp that was the  
way it was when I took the store.

Also the MM's knew Art & was good with  
what he did as a lead volunteer for the  
state of NC

J We have been advised you <sup>talked to</sup> Art about  
his dress. "I never had a conversation  
with him - "My associates came to me  
about him he looked gruffy



Witnessing Manager's Notes  
Workplace Incident Interview

- not shaved, ~~too~~. Told her to tell him politely he needed to look better
- Q You had the associates address him not you - M No. The associates talked to him a lot. The committee talked about it.
- Q Did Art ever dress in Wal-Mart attire blue + khaki - M Not that I'm aware of most of the time he wore an Hawaiian Shirt.
- Q So if we have been advised you had a conversation with Art that he needed to come looking professional that would not be true - M No - not true. I didn't see him the past fundraiser.
- Q Was Art ever paid for working at the store - M No he was a volunteer.
- Q Did the company or the store benefit for what Art did - M No Children's Hospital Art Only.
- Q How many hrs did Art work on the volunteer basis - a day - M 8 or 9 in morning til early afternoon 12 - 1 maybe close to 2 12 to 1 time frame - we would take table to back
- Q Did you ever tell Art he could have one half of the proceeds of what he collected - M No did I did advise in the store tell him he could take one half. M No sir - we were doing it for one reason



Witnessing Manager's Notes  
Workplace Incident Interview

- J Is it with certainty that <sup>you are for sure</sup> all monies were accounted for - M Yes Sir
- J Does store have raffles? M Donation raffles - Since it came out the last one here were directed to do
- J So your store has raffles M I <sup>don't</sup> ~~don't~~ <sup>doubt</sup> anyone after this
- J How does that get to work. M Someone brings in I recall Sammie Marviner ASM would pick him up - Once the year I picked him up the time. If anyone else picked him up I'm not aware. He could drive up until about a year ago.
- J So - It's your statement you have <sup>not</sup> asked an hourly associate to take him home. M I have not - He would get rides in several different ways - Once I've never directed anyone to pick him up we were not the Taxi Taxi
- J In the West hourly assoc or ASM picked Cee up for work were they reimbursed for their mileage. M No Sammie did not - probably out of the goodness of his heart.
- J Did Cee have access to the store? Back room lounge. M He was in back was when table was not at the front
- J For another reason M No - Did he ever go to the lounge -

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Witnessing Manager's Notes  
Workplace Incident Interview

M. Not that I'm aware of.

J. You have been in the store 16 years

M. Yes

J. And you have never seen him in the lounge

M. No - Up front. Never seen him in the lounge stayed up front.

J. Did you get money from Wendon for CMN

M. No - We get money but his on own accord Charlie Lipsch - he sent money for Children

~~His~~ Hosp CNKD - He wanted it in incubator

J. Was it a personal check or business check

M. I do not know. Marie in accounting would have that information. She did not feel safe putting check in incubator

J. Wal-Mart stance you never questioned the check

M. When she told me I was shocked + No

I did not

J. Who signs office paperwork

M. A lot of times Marie my ~~assistant~~ assistants

J. Who was the check made payable to CNKD - She told me (Marie)

J. So you are saying we cashed check made out to Children's Hosp - We deposited the check?

M. Yes - I you did not ask about that process - She told me about it.

J. Was the check deposited into 165 to your knowledge

M. To my knowledge

Witnessing Manager's Notes  
Workplace Incident Interview

- J How did <sup>(Charlie)</sup> Max's org. receive credit for donation to Children's Hosp
- M I don't know.
- M I think you mean Charlie L. get credit
- J Correct - M good question, I do not know
- J How did vendors know we were raising money for Children's Hosp
- M One of my assoc asked what if we asked the truck drivers - poor on my part - wrong on my part - I did not say yes or no. Sign up & back door - I was surprised when it showed no the sign
- J During your tour you did not see the sign
- M No store or no. Don't know how long sign was up.
- J Did anyone from the Market Team or higher advise you to ignore company policy or guidelines to raise money
- M A cof call - on what ever it takes. I thought does this mean Jean Day June 12 0-5 could mean you heard outfit
- J Repeated Question M No sure just do whatever it takes
- J Did you ask for clarity - M No sir. After the call Calvin M - I asked Jean day, beach day - sounds like it you need to raise 2,500 - we raised 2,200 Calvin was at the store & took call with me

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Witnessing Manager's Notes  
Workplace Incident Interview

- Q. You needed clarity but you never asked  
Regional or Market  
M. Not Regional
- Q. You never asked for clarity  
M. No Not after it was done twice on a call
- Q. Who was \$500 gift card in your store  
M. A lady - my asset just contacted her - it ended up being someone who worked previously for Art Gladders. Normally myself, Sammie & a customer would do drawing. It was not done that day - Art brought winners to Sammie - someone who used to work at a restaurant for Art
- Q. Could it be Tammy Thicks  
M. Don't know could be - rings a bell now
- Q. So Tammy Thicks was winner  
M. Not sure
- Q. You saw the ticket  
M. Yes
- Q. Did you send a letter  
M. Yes
- Q. Kim Good was taking care of it for me  
M. Yes she was - Sammie was involved with something else
- Q. Everyone knew when drawing was taking place  
M. Yes
- Q. Who drew name  
M. As far as we know - Art drew name

Witnessing Manager's Notes  
Workplace Incident Interview

J One brought to your attention Tamy had  
relationships with but did you do anythg - Haven't  
seen any since the  
J So you didn't request a new drawing  
M No sir

J Singh  
10/14/09

**Witnessing Manager's Notes**  
**Workplace Incident Interview**

[Handwritten notes area, mostly blank with a diagonal line across it]

**PART 3. WITNESSING MANAGER'S CERTIFICATION**

The handwriting that appears above is my own. My notes of the interview that has occurred are accurate to the best of my knowledge and ability. My responses to the questions presented are true and correct.

Witnessing Manager Name (print)	Witnessing Manager's Signature	Date
Teresa Tingler	<i>Teresa Tingler</i>	10/14/09

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## Max Interview

- Teresa has Max's passcode - Does she send emails
- Teresa has key to the store
- Teresa get a lot of OT
- Is it true that Teresa keyed in Asm's evals or has she ever
- Do you often go to lunch w/ Teresa
- Key controls - Is your store following guidelines
- Who ~~participate~~ participate in Market conference calls
- When Eric ask all part sm to leave the is it true that Teresa stays behind
- Is it true that Teresa sits in on mps evals or one coaching
- Is it true that Teresa signs your name on evals and other work documents

Max (store 200)

- You are County Commissioner
- Have you ever asked any to assist you in doing county commission work
- Has Teresa ever performed task or duties for you as the County Commissioner

shared  
letter

- Did you give an Asm a diet plan why

- Art Blidden

- why did he have a Walmart badge

- why was he following or why was he advised to wear the dress code

- when Art was in the store for working at the store

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- How was he paid - how many hours did he work
- Did you ever tell Art that he could have 1/2 of what he collected as a payment
- How does Art get to work - Are the associates paid
- Did Art act or was he lead to believe he had associate access

### Vendors

- ~~where you could that you had sign~~
- Did you get \$ from vendors for CMN
- How did you the vendors know were were raising \$
- How did we give the money to CMN
- How did the vendors get credit for their donation
- How long have been a SM
- Did Eric Advise you or any to ignore policy
- Who authorized the donation communication the vendors signed.

### Drawing

- Who won the \$ 500 gift card
- Tammy Nicols - do you know her
- What is Tammy's relationship w/art
- Who drew the names
- Did everyone know of the date & time of drawing

10/14/09

Witnessing Manager's Notes  
Workplace Incident Interview

Max Dutton - Open Door - Prior to Investigative Questions  
Store 2000 16 1/2 yrs successful store - Never been coached  
June 12<sup>th</sup> - walked in store Fund Raiser - <sup>Eric</sup>MM + <sup>Tracey</sup>MHRM + AC  
at store - came to Subway - Performing Investigation - You  
are going with Eric - Tracey doing investigation.  
Eric + Max drove around all day returned to store  
Associates case to me + wanted to know  
Why was I being interviewed today - told the  
everything else.

I was called to the back. Tracey said so you're  
a perfectionist - She said something about Type A  
personality. Why do you use Teresa like you do.  
Short handed. He gets asked to not with Eric  
he went to lunch not briefly - going into summer  
I asked Tracey - I'm asking you - he said  
Tracey owes me a plan of action to get staffed.  
Never got anything.

Dawnora + Tracey came back + talked to more  
associates. I asked could I help said no.

During back to school case back (Tracey +  
me) we were here to put closure on previous years.  
We were doing back to school. Went to check  
they were gone did not say goodbye.

July 24<sup>th</sup> sent email to Eric to find  
out what was going on so we could put  
closure to situation.

Aug 18 or 17<sup>th</sup> - call from Eric - said Max  
Tracey + Dawnora botched the investigation.  
I did not know what the investigation was about.



Witnessing Manager's Notes  
Workplace Incident Interview

Several Assoc came to my house - told the nothing way -  
Aug 18th (? date) Marie for Myrtle Beach would be  
coming to do investigation. Marie & another  
niece had case & said they were there to do a  
Red Star visit. Could not understand why  
good store. Marie said I know this is hard  
but can you remove yourself - do a project.  
How about new communication board - we also  
did breakfast takeover. The next day - she  
told me to keep myself removed. They were  
at a hotel met with dept mgr. Then met  
with myself & asst mgr. Plan of action -  
80 engagement score - same plan we already  
have. Said they liked it. Headed back to  
Myrtle Beach that day. I asked if he record  
what is going on. - She said I think you have  
an asst mgr that may have felt threatened.  
Transferred an Asst Mgr to me with D-day  
she did not want to do things the WMT-way  
way - I worked with her - She decided things  
were not going her way so she resigned  
another asst mgr Tanya Moore - got her  
promoted - she was doing well the Asst.  
She was working 3<sup>rd</sup> shift. She called - I  
thought threw my phone I'm not coming to work  
I said excuse me & she said I threw  
my phone I'm not coming in. I stayed &  
waked -

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Witnessing Manager's Notes  
Workplace Incident Interview

I coached her. We went on. Her health not good told her she needed to get a checkup. Her mother told her thank you she had diet of pitos, ptchis - He talked to her about her diet. I tried several times to get her a sub at subway she said no. There was one day + case in store looked good - I think she had a bad boyfriend - I don't get involved in people's personal lives. I think he was an alcoholic + did drugs. Her + her boyfriend were trying to get to Florida. - Came out no relocation funds for transfer. She was distraught she left store - left keys. I asked associates to go by + she answers the door. Her boyfriend passed out on floor. I tried to call her several times but she would not answer back.

Off the record with Marie - Can I give you some advice. You have a beautiful store if I had a store I would name you. I recommend you name to another store. I think there are some Market Year members that are jealous of your Art Binder - Regional Asset Protection - he showed up at store. I was helping a fruit end - he said he needed to check some things out.

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Witnessing Manager's Notes  
Workplace Incident Interview

I told him - he knew I had Jesse's  
very competent. to let he knew if Conf Call  
or collectibles needed to get in. - Not  
any more since June 1992 I ever took her  
off my renter list. Didn't want to. She  
could be a CM or SM now. We were  
short handed. at that time everyone must  
meet goal \$7,500 - Regional direction - my  
store very active in that. I'd do  
whatever

Art Gludin helped - golden leaf Boueiron's  
award - travels & helps children. I don't  
know who turned it in he was not on  
the payroll. He was used by 2 store mgrs  
before me. When the \$7,500 came up  
someone said we needed to call Art.  
A lot of that up front I don't like because  
of customer space issues. A district associate saw  
it would like to put up a sign to ask  
the truck drivers to donate. I did not  
say yes or no. Someone made a sign &  
put it up when Art showed me the sign  
I was surprised.

Charlie Lipsky - he put money in the incubator  
talking to assoc his son had brain cancer  
told the how

He felt compelled to do more - He sent a  
check to the store for \$500 for CNCD. He  
My lady had already put it in the account

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Witnessing Manager's Notes  
Workplace Incident Interview

felt not smart to put check in incubator  
so put directly in acct. of using I'm  
sorry should have

Sept 8 & 9 SOTC mtg in New Ben - I was  
totally distraught - felt had not done  
anything wrong - (lied)

Sept 8th - On 1st day Noah & Curt were there  
end of day - Noah said would like to meet  
with you at hotel. He were in lobby - wait  
outside Noah mentioned he had been in the SOTC  
mtg - thought a lot of me - We have some  
things that have been turned into the  
Ethics office - he was distraught when this is  
to the ethics committee

Made statement - The rewriting is on the wall  
Curt's head is down - You near my job  
is on the line - he said it doesn't look  
good - what doesn't look good - The  
bosses told you sign on - Yes - I was  
backed into a wall to do that

July 6 I was pushed into a corner to do  
that - I would have to see a consultant  
search - I know what SM go thru -  
July 6 called Vicki Rane could not get  
Cowan to work called Vicki said OK - She  
is as usual & she said I can't do it - let  
me sign on as MM - Maybe on Tracey's  
sign on - where is the consistency?

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Witnessing Manager's Notes  
Workplace Incident Interview

Not back peddled - I said Not and that is an entirely different circumstance. I really like Not & Out - Nothing is on the wall? We turned around walked down sidewalk - MM came out - turned his back on me + 3 of the went to lunch dinner.

Yesterday my first day back to work Sept 3, 5:15 - I felt bad at store - went up to pharmacy need to take my blood pressure 179/106 - pharmacist said need to call 911 I said no - took again - it was high. Went to hospital - (Not relevant to Open Door) Sept 8-9 am "swallow" up - Trying to explain not at work.

You got call from MM - Greg May  
Chris Evans - SM

- 3 Vicky having access to Eric's info.  
There is a difference - primary do the job as an agent - they go thru diff training they are trained for the role - they do have access to process their role solving.  
Job scope + Job responsibilities different for As.
- 3 Do associates normally come to your house -  
No - did not talk to anyone concerning anything since June 12. Probably 7 associates wanted to know what was going on - everything is wonderful. Did not go inside the house.

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Witnessing Manager's Notes  
Workplace Incident Interview

After Investigation Questions Completed.

- " Art renting a place for Tanya
- " Assetpost was been drinking buddies with Art
- Blew my mind in finding the Art
- " Marie's investigation - investigation papers left out at CBI's - "I have them - one was Dear Marie
- " She is trying to make upst with me
- " You know it was an investigation <sup>about</sup> yourself & you read it - "I called Marie & she had us fax it to her & dispose of.
- " And you kept a copy - Yes - Mail to Regional Office
- " To read it - you know if you read something about yourself.
- " Someone else sent a copy to my home
- " Sent something to Eric - written letter
- " Anything you have you don't feel you should have yet need to mail to your Regional Office.


10/14/09 Debra Joffe




## Interview Checklist


Reporting  
Associate's  
Last Name


## PART 1. PREPARE FOR THE INTERVIEW and DOCUMENT THE SETTING

Initials 	<input type="checkbox"/> Complete Steps 1 – 3 of the Investigation Report and Guide. <input type="checkbox"/> Review documentation from interviews of other Associates. <input type="checkbox"/> Review relevant documents. <input type="checkbox"/> Choose a private location for the interview. <input type="checkbox"/> Have a note pad available or use the Notes pages attached. Document which "Part" of the checklist you are referencing. <input type="checkbox"/> Provide Witnessing Manager with blank Witnessing Manager Notes.
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Instructions: Fill in the information requested below, just before the interview.		
Investigating Manager Name 	Position BHRD	Facility/Department Number Home Office
Name of Associate Being Interviewed May Dutton	Position SM	Facility/Department Number 2000
Witnessing Manager Name Teresa Tingle	Position MHRM	Facility/Department Number 210-market
Names of Other Persons Present (Write "None," if applicable)		
Location of Interview City Bistro hotel	Date of Interview 10/14/09	Start Time of Interview <del>8:00</del> 10:12 am

## PART 2. MAKE INTRODUCTORY COMMENTS


Initials 	<input type="checkbox"/> Introduce all persons in the room to the Associate. Explain witnessing manager will be taking notes. <input type="checkbox"/> Appreciate Associate for meeting with you. <input type="checkbox"/> Verify the Associate is on the clock. <input type="checkbox"/> Tell the Associate you are here to learn what the Associate might know regarding certain matters that have come to your attention. <input type="checkbox"/> Explain that this meeting counts as an Open Door, and that the Associate is protected from retaliation from any person for sharing information with you today. <input type="checkbox"/> Explain that the meeting is confidential, and that any information the Associate provides will be shared only with those who have a need to know or to further the investigation. <input type="checkbox"/> Finally, tell the Associate that to be consistent you will be using a checklist and taking notes as you go through the interview. Explain that periods of silence will be normal while you look at your notes.
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Initials 	Ask whether the Associate is comfortable meeting with you and the others manager(s) present. If uncomfortable, offer the Associate an opportunity to discuss their discomfort without the particular manager present. Replace manager if a conflict exists or if otherwise appropriate. Document any concerns the Associate raises.
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**Interview Checklist**  
**Workplace Incident Interview**


**PART 3. START WITH A GENERAL QUESTION ABOUT WHAT HAPPENED**


Initials 	<p>During this part:</p> <ul style="list-style-type: none"> <li>Do not interrupt the Associate.</li> <li>Do not ask any questions, until Part 4, unless needed to start the Associate off.</li> <li>Do not share information on the investigation or allegations brought.</li> <li>Do take notes. Write down exactly what the person says, such as, "I was in the break room."</li> <li>Do document unexpected acts, such as if the witness leaves or kicks the table.</li> <li>Do take your time and ask the witness to slow down or repeat statements, if necessary.</li> </ul>
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Initials 	<p>Open the interview with a general comment such as, "We are here to speak with you today about (the incident you reported) or (an incident that may have occurred in the workplace) involving certain associates. Can you tell me what happened?"</p>
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**PART 4. ASK DETAILED QUESTIONS**


Initials 	<p><b>Create a timeline of separate incidents.</b> If the Associate has told you about several different incidents separated by time or place, clearly determine when and in what order they occurred. Without getting into the details, for each incident ask:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> What date it occurred?</li> <li><input type="checkbox"/> What time of day it occurred?</li> <li><input type="checkbox"/> Where did it occur?</li> <li><input type="checkbox"/> Who was present?</li> </ul>
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Initials 	<p><b>Ask the Associate to mentally reenact each incident, beginning to end.</b> Most people have a mental recording of an event they witnessed. Help the witness to "play back" that mental recording by dividing the incident into short periods of time. For additional guidance, refer to Investigations Supplements on "Reenactment Questioning." Ask exactly what physical movements the participants engaged in and what words they spoke during the short time segment you are talking about, even if they prove unimportant to your investigation.</p>
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Initials 	<p><b>Verify no incidents have been left out.</b> Ask as many times as necessary: "Did anything similar in nature happen between the (description of incident) incident on (date) and (description of incident) incident on (date)?"</p>
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Initials 	<p><b>Refer to Investigation Supplements if applicable.</b></p>
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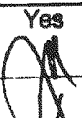

Initials 	<p><b>Inappropriate Comments.</b> Make sure you have recorded exactly each offensive comment made.</p>
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Initials 	<p><b>Inappropriate Touchings.</b> Make sure you know exactly how each inappropriate touching occurred and what body parts made contact.</p>
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**Interview Checklist**  
**Workplace Incident Interview**

Initials 	<b>Associate/Customer Reactions.</b> Make sure you know how each person reacted to each act, physical contact or inappropriate comment.
Initials 	<b>Motivation for Inappropriate Comments or Touchings.</b> Make sure you know you have asked the witness why each person made inappropriate comments or touched another person inappropriately.
Initials 	<b>Relationship Questions:</b> The Associate may have additional knowledge that explains an act or comment. Ask: Do you know anything about the relationship between _____ and _____ that might explain why <i>(state act or comment)</i> occurred?
Initials 	<b>Confront Responding Associates with each allegation made,</b> unless good reason exists not to. Go through the particulars, even if Responding Associate denies any inappropriate conduct at all.
Initials 	<b>Challenge Associate with contradictions or conflicting information from other sources.</b> Do not disclose the source, unless necessary to further the investigation. Consider stepping out of the room briefly with Witnessing Manager to compare notes, and discuss items that are unclear.
Initials 	<b>Ask about other sources of information:</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Are there other persons who may have knowledge of the events you have described?</li> <li><input type="checkbox"/> Are there any documents that might confirm or explain what happened? Examples: <i>notes, letters, pictures, calendars, diaries, e-mails, written statements, tape recordings, videotapes, or any other items that would help demonstrate what happened.</i></li> <li><input type="checkbox"/> "Other than what you have told me, is there any other way we can confirm what happened?"</li> </ul>

**PART 5. ASK ABOUT PRIOR REPORTS TO MANAGEMENT**

Yes 	No 	Ask: "Have you reported or discussed any of the events we have discussed so far with any other managers or hourly supervisors before this interview?" If yes, take notes and get details: who the manager or hourly supervisor was; when and where the report was made; what was reported; and what action the manager or hourly supervisor took.
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*Maria  
Noah  
Eric  
Tracey*



**Interview Checklist**  
**Workplace Incident Interview**

**PART 6. REACH AGREEMENT WITH ASSOCIATE ON KEY FACTS DISCLOSED**

**Summary of Key Facts Disclosed**  
**List Each Act or Comment Separately**

<b>Initials</b>	<b>Tell Associate you want to make sure you fully understand what Associate has told you. Review what you understand to have been the key acts or comments the Associate related to you, beginning with the first and ending with the last. Separately list and briefly describe each act or comment below. Be sure to indicate who committed the conduct and who was subjected to the conduct. Example: Susan asked Jim, "Why do you people dress like that?"</b>
<b>No.</b>	<b>Act or Comment</b>
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

<b>Initials</b> <i>NA</i>	<b>Ask Associate whether any other inappropriate or offensive acts or comments were made other than those just summarized.</b>
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<b>Initials</b> <i>NA</i>	<b>Ask whether Associate is aware of any similar acts or comments by others at any other time. Get details of each act or comment mentioned.</b>
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**Interview Checklist**  
**Workplace Incident Interview**

**PART 7. ENFORCE NON-RETALIATION POLICY**

Initials <i>GM</i>	If this Associate has been accused of misconduct, remind Associate that retaliation is prohibited and may result in disciplinary action up to and including termination. If appropriate, reassign, suspend (see PD-57 Investigation/Suspension Policy) or take other measures to prevent retaliation or repetition of misconduct, while investigation completed.
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Initials <i>GM</i>	If this Associate claims to have been subjected to inappropriate conduct, remind Associate that retaliation is prohibited. Ask Associate to immediately report any further problems to you. If appropriate, consider granting requests for temporary accommodations in the form of time-off, temporary reassignment, shift changes, etc. Do not take any action that <u>involuntarily</u> affects this Associate's schedule or work location.
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**PART 8. REQUEST A WRITTEN STATEMENT**

Agreed <i>GM</i>	Refused	Ask the Associate to complete an Associate Statement form. The form must be completed on the clock. Tell the Associate to be sure to include each of the key acts or comments you reviewed together. If "AGREED," Thank the Associate, conclude the interview and complete the rest of this form.
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Initials <i>GM</i>	If the Associate REFUSES to provide a written statement try to persuade the Associate to write a statement using the "Obtaining an Associate Statement" tips provided in the Investigation Supplements.
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Initials <i>GM</i>	If the Associate still refuses to write a statement, document the reasons.
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Initials <i>GM</i>	Thank the Associate, conclude the interview and complete the rest of this form.
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**PART 9. COMPLETE THE CHECKLIST**

Initials <i>GM</i>	<input type="checkbox"/> Verify that all prior sections of this form have been completed <input type="checkbox"/> Update List of Witnesses in the Investigation Report and Guide <input type="checkbox"/> Update List of Documents in the Investigation Report and Guide <input type="checkbox"/> Attach Witnessing Manager's Notes <input type="checkbox"/> Attach Associate Statement <input type="checkbox"/> Place Documents in THE RED BOOK
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The handwriting that appears above is my own. My notes of the interview that has taken place are accurate to the best of my knowledge and ability. My responses to the questions presented are true and correct.

Investigating Manager Name (print)	Investigating Manager's Signature
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Notes Pages

Associate Last Name:

Investigating Mgr Name:

McEuer

- ① Stated that Teresa did have your store mgr password
- ② Max stated he did direct Teresa to use his email account to respond
- ③ Did Teresa ever use his email account while he was not in the store & he said no.  
Teresa did have key to the store - yes until June 12, 2009  
What key did she have - fixture room & Backdoor Because she was over the Direct associates
- ④ Teresa works closely with the Direct associates b/c she is in training.
- ⑤ Teresa did type the ASM's email into the system for him.
- ⑥ Max said that one time Teresa went through a tough time and he and Sammy would eat w/ her at subway to talk to her.
- ⑦ Does your store follow key controls- yes All associates sign out key daily with the exception of ASM
- ⑧ Did Teresa sign her keys out as well- prior to the last month but now she does not have key
- ⑨ For the last two mths she has had the key & he saw the benefits and he means say the reason to take the key.

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Notes Pages

Associate Last Name:

Investigating Mgr Name:

McIVER

- (10) Is it a <sup>Fair</sup> ~~True~~ statement to say that Teresa is used as an Ash?  
May said ~~no~~ he does not look at it this way and his other mentees also catch night calls if he is by himself in the store.
- (11) Store does not have any support mgr.
- (12) One the MM Conference calls Teresa and his ASM (as well as mentees) were a part of the MM calls. sd got idea from MM interview at home office to grow more
- (13) May stated that if Eric ask for call to leave the room all would leave ~~at the~~ exceptions of Teresa even Teresa no one stayed.
- (14) May states that Teresa does not sign his names on e-mails or other work documents.
- (15) May is ~~not~~ on Board of Commissions
- (16) Said he has never asked any associates to do any of his county work
- (17) Teresa has never assisted him in the County Commission
- (18) May stated Tonya, more and ~~her~~ <sup>her</sup> mother were concerned about her health - stated he may have
- (19) May - stated that he did give Tonya a Diet Plan after asking the question multiple plans
- (20) May admitted to giving Tonya the diet plan which read "Tonya get on the program for your health"

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Notes Pages

Associate Last Name:

Investigating Mgr Name:

McIver

- (61) May said he did ~~to~~ give Tonya a picture and the picture said (you) need to get healthy to not get sick written in the picture.
- (22) Are you are a doctor? - May stated he was not a physician.
- (23) Teresa did work overtime - had a volunteer list and if there were available hours
- (24) on Saturday Teresa would serve as a cashier to fill in a shift.
- (25) How many hours of OT would Teresa receive - he could not answer that question but stated there would be several that would help him in the weekend - so anyone could sign up for the hours
- (26) May stated Art was given a name badge Debra got this so since the associate loved him he never asked for the badge
- (27) So he never asked for the badge back - no
- (28) May stated he never had any conversation with Art regarding his dress - ~~May~~ May said at times Associates would say that he looked stuffy
- (29) He said he defended the Dress code issue with Art to the committee (volunteers) to address
- (30) Did Art ever dress in Blue in Kadi - not the May was aware most of the time he wore an Hawaiian shirt

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Notes Pages

Associate Last Name:

Investigating Mgr Name:

McTuen

31. Max stated that he never had any conversation w/ Art regarding how he should dress and look professional - He never addressed this with Art
32. Art was never paid for working at the store
33. The company never benefited for Art's work - no on ~~an~~ Children's hospital
34. Art worked from 8 to 9 in the morning ~~until~~ until 1:00 PM.
35. Max stated that he was never told he could have 1/2 of the proceeds that he collected from Customers
36. Max states that all \$ collected for ~~an~~ Children's ~~and~~ network are accounted for
37. Does your store have Raffles - Max said yes donation ~~and~~ raffles
38. Art set to work and we sent out Mr. to pick him up. (ASMR Sammy) - Max stated he has picked him up 1 time - usually someone ~~would~~ drop him off or pick him up. Max stated Art could have hourly associates go pick him up but he was not asked because Art had friends in the store.
39. In the event ~~if~~ that hourly & mgr. associate transported Art - were they paid or reimbursed mileage. - No

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Notes Pages

Associate Last Name: \_\_\_\_\_

Investigating Mgr Name: \_\_\_\_\_

McTeer

- (39) Art did go to back room looking for table  
Max stated he ~~was~~ not aware  
(40) Max has been sm 16yr and Art volunteered R  
15 and he never seen him in the lounge.

- Did you get \$ from vendor for CMW - NO then he said that Charlie Beach vendor sent check to the store for Children's Hospital.
- Was it a personal check or business check - ~~Max~~  
Max stated he never saw the check so he does not know.
- Max stated he never looked at the check.
- who signs Cash office paper work - his Assistant
- who was the check made payable to - Children's Hospital
- We deposited the check that was made out to the Children's Hospital - Asked did he question account he stated no
- Check was deposited to account 165 - Max does not know Charlie's company get credit for donation since we deposited check - Max does not know.
- Vendors knew that the store was raising \$ because associates posted signs in the stores.
- Max stated as he toured the backroom he never saw the sign - (Max said Sharon on him)
- Did any one from ~~the~~ Market Team or higher

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bcb

Notes Pages

Associate Last Name: \_\_\_\_\_

Investigating Mgr Name: \_\_\_\_\_

McTee

asked him to ignore policy or guidelines to raise \$-NO  
manager advised him to break any problems or  
guidelines - Max stated he never asked for clarification  
b/c he asked Kelvin if he was talking about Jan Hay  
etc on the

- Max never for clarity -

- Who won the \$500 gift card - lady he said not  
tell me her name but it looks like a lady who  
worked for Art Blidson.

The drawing was not done correctly and Art gave  
them the name.

- Was Tammy Nicols the winner - yes to the best of  
his ability but since he was running the store by  
himself he gets cloudy in memory.

- Everyone knew of the drawing and due to  
schedules Art did the drawing on the store

- Once it was brought to your attention that the  
winner knew Art did you request a new drawing  
NO - He did not.

- Did Teep ever sit in on ASM coaching - He stated NO  
he would get another CM or SM from another store

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10/14/2009

To Whom It May Concern:

After the interview and digesting the allegations, I would like to clarify the following:

- ① Teresa Blawfelter is an outstanding associate for Wal-Mart along with several other associates. When I have been short handed or the only manager in the building, I have used my resources to run an excellent store. She has on occasion had my sign on to inform me of conference calls or my collectables only. I would request a consistency search on managers at all levels utilizing their resources for our Company's success. I am sorry and I would like to move on never letting this happen again. I was backed in a corner being by myself and utilized my resources. It was grossly under staffed with management per the structures and sales volume.
- ② Mr. Glidden has raised money as a volunteer on and off for (16) sixteen years prior to me being store manager for (CHKD.) Children's hospital of the King Daughters. He has always been a volunteer and has received many awards such as: The Governors Gold Leaf Award for Volunteering. He has never been given money for his work of Volunteering his time for CHKD. I am sorry for his actions, and Volunteering in our store will not happen again.



③ Torja Moore while with us as an assistant was progressing, I am responsible for getting her promoted. But I think she ran into a "unfit boyfriend" and everything changed. She started not eating right, she was sick alot, and both her mother, myself, and other associates tried to get her on a healthy diet because we all knew she was not, we were very concerned about her well being. At anytime this was about nothing other than taking care of an associate like we always have done. Torja was very determined to move to Florida with her boyfriend and the company no longer payed relocation and she got very upset, also she had interviews and was not chosen. One day after this she came in put down her keys and left the building. I attempted to reach her by phone but was not successful after several trips, several days.

④ We had a donation drawing at the front of the store by Art Glidden, the community volunteer. It did not take place as usual on the first day Assistant Manager Sammy Morrison was in charge of it. Instead of Sammy being called to the front of the store, Art brought him the winning ticket? This was not the normal protocol. I feel the drawing as it is pointed out, was not carried out but I can not prove that. This type of drawing will never happen again.

5. One of our Vendors Charlie Lipsey of George Marshall and Associates pub making in an incubator at the front of the store. He then told associates about his infant son had brain cancer and what CHKD did for him, he said, he felt compelled to do more is what my associates told me. He then sent a check into the store, our accounting office for CHKD we "did not" ask him to do this. or any other vendor. We have never done this and will <sup>never</sup> do this we know our company does not do this in any way.

6. I was elected to the Dane County Board of Commissioners after being advised by Wal Mart Legal, Regional, Market Manager to do so. My number one focus and obligation is to Wal Mart store #2000 at all times. At no time did any associate assist with or be involved with me as a Commissioner in any way at any time.

Respectfully Yours,  
Mary E. Juttner  
Wal Mart Store #2000  
Kitty Hawk, N.C. 27954  
1-252-216-6686 CEL

## May Interview

- Teresa has May's passcode - Does she send emails
- Teresa has key to the store
- Teresa get a lot of OT
- Is it true that Teresa keyed in Asm's evals or has she ever
- Do you often go to lunch w/ Teresa
- Key controls - Is your store following guidelines
- WRC ~~participate~~ participate in Wal-Mart conference calls
- When Eric ask all part sm to leave the is it true that Teresa stays behind
- Is it true that Teresa sits in on mgrs evals or on coaching
- Is it true that Teresa signs your name on evals and other work documents
- ~~Is~~ How early did she was a manager - or when you were 1st
- You are County Commissioner
- Have you ever asked any to assist you in doing County Commission work
- Has Teresa ever performed task or duties for you as the County Commissioner
- Did you give an Asm a diet plan why
- Art Blidden
  - why did he have a Walmart badge
  - why was he following or why was he advised to wear the dress code
  - Was Art ever paid for working at your store



- How was he paid - How many hours does he work
- Did you ever tell Art that he could have 1/2 of what he collected as a payment
- How does Art get to work - Are the associates paid
- Did Art act or was he lead to believe he had associates across

### Vendors

- ~~where you aware that you had sign~~
- Did you get \$ from vendors for CMN - <sup>Personal n</sup> <sup>Business</sup> <sup>check from</sup> <sup>Chou</sup>
- How did you the vendors know were were raising \$
- How did we give the money to CMN
- How did the vendors get credit for their donation
- How long have been a sm
- Did Eric Advise you on any to ignore policy
- Who authorized the donation communication the vendors signed.

### Drawing

- Who won the \$500 gift card
- Tammy Nichols - do you know her
- What is Tammy's relationship w/ Art
- Who drew the names
- Did everyone know of the date & time of drawing